

1 THE HONORABLE THOMAS S. ZILLY  
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**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF WASHINGTON**

GLACIER NORTHWEST, INC.,

Plaintiff,

v.

CEMENTAID INTERNATIONAL  
MARKETING, LTD.,

Defendant.

Case No. 2:18-cv-00556 TSZ

**GLACIER NORTHWEST, INC.'S  
REQUEST FOR JUDICIAL  
NOTICE IN SUPPORT OF  
OPPOSITION TO CEMENTAID  
INTERNATIONAL MARKETING,  
LTD.'S MOTION TO DISMISS  
AMENDED COMPLAINT**

**NOTE ON MOTION CALENDAR:  
DECEMBER 14, 2018**

Plaintiff Glacier Northwest, Inc. ("Glacier Northwest") respectfully requests that this Court take judicial notice, pursuant to Federal Rule of Evidence 201, of the following documents in connection with Glacier Northwest's Opposition to Cementaid International Marketing, Ltd.'s Motion to Dismiss the Amended Complaint in this matter:

1. Defendant Cementaid International Marketing, Ltd.'s ("Cementaid") Notice of Appearance as a cross-defendant in the action entitled *Millennium Tower Association v. Mission Street Development LLC, et al.*, Case CGC-17-557830 in the Superior Court of the State of California, County of San Francisco ("Millennium

{18117/052/01823024-1}

GLACIER NORTHWEST, INC.'S REQUEST FOR  
BROWER LAW GROUP

JUDICIAL NOTICE ISO OPPOSITION TO MOTION  
TO DISMISS  
2:18-cv-00556 TSZ

25201 La Paz Road, Suite 202  
Laguna Hills, California 92653  
Telephone: (949) 668-0825

1 Tower Action”), filed on July 13, 2018, a true and correct copy of which is attached  
 2 as Exhibit 6 to this request.

3       2. Cementaid’s Memorandum of Points and Authorities in Support of  
 4 Cementaid’s Joinder in YKK AP, Inc.’s Motion to Continue the Trial Date and  
 5 Motion to Sever the Non-Foundational Defect Issues in the Millennium Tower  
 6 Action, filed on July 16, 2018, a true and correct copy of which is attached as Exhibit  
 7 to this request.

8       3. Declaration of Jared Schuettenhelm in Support of Cementaid’s Joinder  
 9 in YKK AP, Inc.’s Motion to Continue the Trial Date and Motion to Sever the Non-  
 10 Foundational Defect Issues in the Millennium Tower Action, filed on July 16, 2018,  
 11 a true and correct copy of which is attached as Exhibit 8 to this request.

12       The above-referenced documents are properly the subject of judicial notice  
 13 pursuant to Federal Rule of Evidence 201, which provides that a court may take  
 14 judicial notice of facts “not subject to reasonable dispute in that it is ... capable of  
 15 accurate and ready determination by resort to sources whose accuracy cannot  
 16 reasonably be questioned.” Each of the documents referenced here is a pleading  
 17 which has been filed by Defendant Cementaid, using the same law firm which is its  
 18 counsel in this matter. Moreover, any objection to the declaration of Mr.  
 19 Schuettenhelm should be disregarded because, since they are statements made by  
 20 counsel for the party, the constitute party admissions, an applicable exception to the  
 21 hearsay rule.

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 27 {18117/052/01823024-1}

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 BROWER LAW GROUP

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 Telephone: (949) 668-0825

1 Therefore, Glacier Northwest respectfully requests that this Court take  
2 judicial notice of the documents attached as Exhibits 6 through 8.

3 DATED: December 10, 2018

4 BROWER LAW GROUP  
A Professional Corporation

5

6 By: /s/ Steven Brower  
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19 Attorneys for Plaintiff – Local Counsel

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27 {18117/052/01823024-1}

GLACIER NORTHWEST, INC.'S REQUEST FOR  
BROWER LAW GROUP

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TO DISMISS  
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## EXHIBIT 6

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ELECTRONICALLY  
**FILED**

*Superior Court of California,  
County of San Francisco*

**07/13/2018**

**Clerk of the Court**

BY:EDNALEEN ALEGRE

Deputy Clerk

6 **BRACEWELL LLP**  
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10 *Attorneys for Cross-Defendant  
Cementaid International Marketing, Ltd.  
erroneously sued herein as Cementaid  
International Group*

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **FOR THE COUNTY OF SAN FRANCISCO**

15 MILLENNIUM TOWER ASSOCIATION, a  
16 California nonprofit mutual benefit corporation,

17 Plaintiff,

18 vs.

19 MISSION STREET DEVELOPMENT LLC, a  
20 Delaware Limited Liability Company; et al.,

21 Defendants.

22 WEBCOR CONSTRUCTION LP, d/b/a  
WEBCOR BUILDERS, survivor to a merger with  
WEBCOR CONSTRUCTION, INC.,

24 Cross-Complainant,

25 vs.

26 AMERICAN PILEDRIVING, INC., a California  
27 corporation; CEMENTAID INTERNATIONAL  
GROUP, an unknown entity; CENTRAL  
28 CONCRETE SUPPLY CO., INC., a Texas

**Case No. CGC-17-557830**

**NOTICE OF APPEARANCE**

Action Filed: 3/29/2017

Trial Date: N/A

1 corporation; ENCLOS CORP, a Minnesota  
2 corporation; GLACIER NORTHWEST, INC., a  
3 Washington corporation; PACIFIC STATES  
4 ENVIRONMENTAL CONTRACTORS, INC., a  
5 California corporation; VIKING DRILLERS,  
6 INC., a California corporation; YKK-APP, Inc., a  
7 Japanese corporation; and ROES I through 100,

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Cross-Defendants.

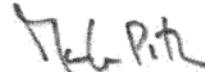
1 **TO THE COURT, AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 PLEASE TAKE NOTICE THAT Cementaid International Marketing, Ltd. ("Cementaid")  
3 erroneously sued herein as Cementaid International Group is represented by the law firms of Lillis  
4 Pitha LLP and Bracewell LLP in this action. This Notice of Appearance is for the limited purpose  
5 of identifying counsel and is without prejudice to Cementaid's right to challenge any Complaint(s)  
6 and/or Cross-Complaint(s) filed against it, to raise any affirmative defense in its responsive  
7 pleading(s), or any other procedural or substantive rights it may have.

8

9 Dated: July 13, 2018

**LILLIS PITHA LLP**



10 By:

11 Martin L. Pitha

12

13 **BRACEWELL LLP**  
14 Jared D. Schuettenhelm

15 Attorneys for Cross-Defendant  
16 Cementaid International Marketing Ltd.  
17 (erroneously sued herein as Cementaid  
18 International Group)

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PROOF OF SERVICE

I, Martin L. Pitha, declare:

I am a citizen of the United States and a partner in the law firm of Lillis Pitha LLP. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 2 Park Plaza, Suite 480, Irvine, California 92614. On the date set forth below, I served a copy of the within document(s):

## NOTICE OF APPEARANCE

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail in Irvine, California, addressed as set forth below.
- by placing the document(s) listed above in a sealed Federal Express envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a Federal Express agent for delivery.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below, or causing the document(s) to be so delivered.
- by transmitting via e-mail the document(s) listed above to the e-mail address(es) set forth below on this date before 5:00 p.m.
- by causing such documents to be served on the interested parties to this action as designated on the Transaction Receipt by submitting an electronic version of the documents via File & ServeXpress website. (as to attached service list)

### *Attached service list (via File & ServeXpress)*

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on July 13, 2018, in Irvine, California.

746 Pitt

Martin L. Pitha

## SERVICE LIST

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## EXHIBIT 7

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17 *Attorney for Cross Complaint Defendant*  
CEMENTAID INTERNATIONAL  
18 MARKETING, LTD. ERRONEOUSLY  
SUED HEREIN AS CEMENTAID  
19 INTERNATIONAL GROUP

20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

21 **FOR THE COUNTY OF SAN FRANCISCO**

22 MILLENNIUM TOWER ASSOCIATION, a  
23 California nonprofit mutual benefit corporation,

24 Plaintiff,

25 vs.

26 **Case No. CGC-17-557830**

27 **MEMORANDUM OF POINTS  
AND AUTHORITIES IN SUPPORT  
OF CEMENTAID'S JOINDER IN  
YKK AP, INC.'S MOTION TO  
CONTINUE THE TRIAL DATE  
AND MOTION TO SEVER THE**

28 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF CEMENTAID'S  
JOINDER IN YKK AP, INC.'S MOTION TO CONTINUE THE TRIAL DATE AND MOTION  
TO SEVER THE NON-FOUNDATIONAL DEFECT ISSUES**

ELECTRONICALLY  
**FILED**

*Superior Court of California,  
County of San Francisco*

**07/16/2018**

**Clerk of the Court**

BY: ANNA TORRES

Deputy Clerk

1 MISSION STREET DEVELOPMENT LLC, a  
2 Delaware Limited Liability Company; et al.,

3  
4 Defendants.

5 AND ALL RELATED CROSS-ACTIONS.

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**NON-FOUNDATIONAL DEFECT  
ISSUES**

Date: July 16, 2018

Time: 2:00 p.m.

Dept.: 304

Judge: Hon. Curtis E.A. Karnow

[Notice of Joinder and Declaration of  
Jared Schuettenhelm served herewith]

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF CEMENTAID'S  
JOINDER IN YKK AP, INC.'S MOTION TO CONTINUE THE TRIAL DATE AND MOTION  
TO SEVER THE NON-FOUNDATIONAL DEFECT ISSUES**

1       **I. INTRODUCTION**

2       Cementaid International Marketing, Ltd. (“Cementaid”) is a Hong Kong-based provider of  
3 simple-to-use products that enable concrete designers and users to maximize the performance and  
4 durability of their structures by giving their concrete enhanced properties and abilities. Cementaid  
5 is taking a highly unusual step by appearing in this case well before its response to the pleadings is  
6 required to avoid further prejudice in this litigation. The underlying complaint by Millennium  
7 Tower Association (“MTA”) was filed on March 29, 2017. Webcor Construction LP (“Webcor”)  
8 filed its original cross-complaint on October 13, 2017. Webcor then filed a First Amended Cross-  
9 Complaint (“FACC”) on December 13, 2017. Both the original cross-complaint and the FACC  
10 named “Cementaid International Group” as a party, not Cementaid. Webcor attempted to serve  
11 “Cementaid International Group” through the Hague Convention; however, service was not  
12 effectuated because that entity does not exist. Cementaid only learned that Webcor was attempting  
13 to add it as a party to this litigation when a service attempt on “Cementaid International Group” was  
14 made in New South Wales, Australia at the address of a different entity called Cementaid NSW Pty  
15 Ltd. on or about June 8, 2018.

16       On or about June 29, 2018, Cementaid agreed to waive the service requirements of the Hague  
17 Convention and to accept service of Webcor’s FACC. Cementaid also agreed to respond to the  
18 FACC on or before August 3, 2018. Nonetheless, when it learned of the upcoming deposition  
19 schedule late last week, Cementaid filed an appearance in this matter on July 13, 2018—three weeks  
20 before the agreed upon deadline. Over the last three days, Cementaid and its counsel have been  
21 working diligently to learn what they can about this litigation and the underlying facts, and to  
22 prepare for the slate of upcoming depositions despite just this morning gaining access to the  
23

1 documents produced in the case. While it is unclear from Webcor's FACC, Cementaid believes it  
 2 has been included in this case as part of MTA's non-foundational construction defect claims. And  
 3 it is Cementaid's understanding that those non-foundational construction defect claims are still  
 4 being defined, articulated, and investigated.

5 As set forth in YKK AP, Inc.'s ("YKK AP") moving papers, there is insufficient time to  
 6 adequately investigate the claims, prepare and file dispositive motions, and prepare for trial,  
 7 particularly with a discovery cut-off date that is less than two months away and with expert reports  
 8 due shortly thereafter. Additionally, it would be inefficient to have a trial of both the movement-  
 9 related foundational issues and the non-building movement claims at the same time. As such,  
 10 Cementaid hereby joins in YKK AP's Motion to Continue the Trial Date and Motion to Sever the  
 11 Non-Foundational Defect Issues, and respectfully requests that the Court grant YKK AP's Motions.

12 **II. PERTINENT FACTS**

13 Cementaid will refrain from repeating what is already contained in YKK AP's memorandum  
 14 of points and authorities, which is incorporated herein by reference.

15 While Cementaid's investigation is in its infancy, Cementaid does not believe that it was  
 16 involved in, or supplied any products used in, the construction of the high-rise for the Millennium  
 17 Tower. Cementaid had a Marketing and Material Supply Agreement with cross-defendant Glacier  
 18 Northwest, Inc. ("Glacier"), whereby Glacier purchased certain Cementaid products, including  
 19 Everdure Caltite HPI ("Caltite"), an additive that is mixed with concrete prior to construction.  
 20 However, Cementaid does not know exactly how or even if its products were used in the Millennium  
 21 Tower project. Based upon the very limited information it has learned to date, Cementaid believes  
 22 that Caltite may have been mixed into the concrete used in the construction of the subterranean  
 23 parking garage that is adjacent to the Millennium Tower high-rise. However, because Cementaid  
 24

1 was only recently served, and has not even responded yet to the FACC, Cementaid has not had an  
2 opportunity to conduct any discovery to determine the exact allegations against it or analyze any  
3 evidence that supports or contests those allegations. Cementaid also has not had an opportunity  
4 to participate in the various discovery conferences or the depositions that have taken place prior to  
5 entering its appearance; and it has just received access to the discovery depository and the vast  
6 number of documents produced in this case the morning before the hearing on YKK AP's motion.  
7

8 **III. YKK AP'S MOTION TO CONTINUE AND CEMENTAID'S JOINDER THEREIN  
9 SHOULD BE GRANTED TO AFFORD DUE PROCESS TO RECENTLY JOINED  
PARTIES**

10 As set forth in YKK AP's papers, the addition of a new party may constitute good cause for  
11 continuing a trial date if the new party has not had a reasonable opportunity to conduct discovery  
12 and prepare for trial. (Cal. Rules of Court, Rule 3.1332(c)(5)(A).) When the trial date in this matter  
13 was set, Cementaid was not named correctly as a party to, and had not been served with any papers  
14 in, this litigation, nor had it otherwise been notified that it was a party to this litigation. Cementaid  
15 did not make an appearance in this litigation until three days ago – three weeks earlier than agreed  
16 with Webcor. To date, Cementaid has not seen any expert reports or other discovery detailing the  
17 extent of Webcor's claims against Cementaid, and Cementaid has not had an opportunity to conduct  
18 any discovery to fully investigate the claims pending against it. Like YKK AP, Cementaid is a new  
19 party to the instant action, and has not had any opportunity to review the 2.1 terabytes of data  
20 deposited in the document depository, thoroughly prepare for the numerous depositions that are  
21 expected to take place between now and the time of trial, conduct general and targeted discovery,  
22 participate in mediation or any case management conferences, retain experts, or conduct any  
23 inspection or testing of any portion of the Millennium Tower. Under the current schedule,  
24

1       Cementaid has less than two months to conduct this discovery. Cementaid also has an extremely  
 2       limited window prepare and file dispositive motions and prepare for trial in this matter.

3           Accordingly, denial of a continuance would have the practical effect of depriving Cementaid  
 4       of a full and fair opportunity to defend itself by denying it sufficient time to conduct discovery and  
 5       make dispositive motions. As YKK AP noted, the interests of justice will be served by a  
 6       continuance. Cementaid is not joining this motion because it was dilatory or otherwise failed to  
 7       prepare this case for trial. To the contrary, the request is made just three days after Cementaid  
 8       appeared in this action and, as the schedule currently stands, Cementaid has insufficient time to  
 9       adequately prepare for trial, weigh potential exposure and risks in this matter and effectively  
 10       represent its interests at trial, and develop its claims against necessary third parties who have yet to  
 11       be named in this case. In light of the foregoing, the continuance should be granted. (*Cade v. Mid-*  
 12       *City Hospital Corp.*, (1975) 45 Cal. App.3d 589.)

14       **IV. YKK AP'S MOTION TO SEVER AND CEMENTAID'S JOINDER THEREIN  
 15       SHOULD BE GRANTED IN THE INTEREST OF JUDICIAL ECONOMY**

16           As the court is aware, the building foundation/settlement claims are extremely complex and  
 17       involve not only design and construction issues with respect to the Millennium Tower project, but  
 18       also design and construction issues involving surrounding properties. At present, Cementaid does  
 19       not believe it was involved with, and it is unaware of supplying any of its products for, the  
 20       construction of the Millennium Tower high-rise or the other adjacent properties. Based on the  
 21       limited information it has been able to glean to date, Cementaid understands that the alleged issues  
 22       involving Cementaid's product apparently relate only to the subterranean parking garage. It is also  
 23       Cementaid's understanding that these alleged issues are completely separate and distinct from the  
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1 building foundation/settlement issues. Accordingly, these non-foundational claims should be  
2 severed from the foundation/settlement issues.

3 Although some of the principal witnesses may be material to both categories of claims,  
4 Cementaid understands that the vast majority of the witnesses are not. Similarly, most, if not all, of  
5 the experts will be different. It would be inefficient to have parties involved in the non-foundational  
6 claims present for a lengthy trial addressing soils and building foundation/settlement issues, just as  
7 it would to have the soils engineers and other foundation/settlement related defendants and cross-  
8 defendants present for unrelated issues regarding alleged construction defects. It would be far more  
9 efficient (and easier on the juries) to have separate trials of the foundation/settlement issues and the  
10 non-foundational construction defect issues. In addition, it is highly unlikely that the amount of  
11 time currently set aside for the trial is sufficient to allow all parties involved in both categories of  
12 issues to present their cases.

14 **V. CONCLUSION**

15 The need for recently added parties to have adequate time to properly investigate and defend  
16 against the claims being asserted against them constitutes good cause to continue the trial.  
17 Cementaid is entitled to a full and fair opportunity to conduct discovery to defend itself in this  
18 litigation. The current schedule will not allow for such discovery, and thus, a continuance should  
19 be granted. Additionally, conducting discovery and having a single trial on the  
20 foundation/settlement claims, which involve numerous parties not involved in the design and  
21 construction of the Millennium Tower, and the unrelated non-foundational construction defect  
22 claims, which involve parties having nothing to do with the foundation/settlement issues, would be  
23 highly inefficient and prejudicial to the parties only involved in the non-foundational construction  
24 defect part of the case. In order to avoid these inefficiencies and potential prejudice, the  
25

1 foundation/settlement claims should be severed from the non-foundational construction defect  
2 claims for purposes of both discovery and trial. Cementaid reserves the right to make its own motion  
3 for continuance as discovery in this matter progresses and as Cementaid learns more about the  
4 claims asserted against it. However, at this time Cementaid joins in YKK AP's Motion for  
5 Continuance and Motion to Sever, and respectfully requests that the Court continue the trial of this  
6 matter for six-months and that the Court sever the foundation/settlement claims from the non-  
7 foundational construction defect claims for the purposes of discovery and trial.

8  
9 Dated: July 16, 2018

10 BRACEWELL LLP

11  
12 By:   
13 Jared D. Schuettenhelm

14 Attorney for Cross Complaint Defendant  
15 Cementaid International Marketing, Ltd.  
16 erroneously sued herein as Cementaid  
17 International Group

## EXHIBIT 8

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(*pro hac vice* application pending)  
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17 *Attorney for Cross Complaint Defendant*  
*Cementaid International Marketing, Ltd.*  
*erroneously sued herein as Cementaid*  
*International Group*

ELECTRONICALLY  
**FILED**

*Superior Court of California,  
County of San Francisco*

**07/16/2018**

**Clerk of the Court**

**BY: ANNA TORRES**

**Deputy Clerk**

20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

21 **FOR THE COUNTY OF SAN FRANCISCO**

22 MILLENNIUM TOWER ASSOCIATION, a  
23 California nonprofit mutual benefit corporation,

24 Plaintiff,

25 vs.

26 MISSION STREET DEVELOPMENT LLC, a  
27 Delaware Limited Liability Company; et al.,

Case No. CGC-17-557830

28 **DECLARATION OF JARED  
SCHUETTENHELM IN SUPPORT  
OF CEMENTAID'S JOINDER IN  
YKK AP, INC.'S MOTION TO  
CONTINUE THE TRIAL DATE  
AND MOTION TO SEVER THE  
NON-FOUNDATIONAL DEFECT  
ISSUES**

**DECLARATION OF JARED SCHUETTENHELM IN SUPPORT OF CEMENTAID'S  
JOINDER IN YKK AP, INC.'S MOTION TO CONTINUE THE TRIAL DATE AND  
MOTION TO SEVER THE NON-FOUNDATIONAL DEFECT ISSUES**

1 Defendants.  
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Date: July 16, 2018  
Time: 2:00 p.m.  
Dept.: 304  
Judge: Hon. Curtis E.A. Karnow

AND ALL RELATED CROSS-ACTIONS.

[Notice of Joinder and Memorandum  
of Points and Authorities filed and  
served herewith]

---

<sup>2</sup>  
**DECLARATION OF JARED SCHUETTENHELM IN SUPPORT OF CEMENTAID'S  
JOINDER IN YKK AP, INC.'S MOTION TO CONTINUE THE TRIAL DATE AND MOTION  
TO SEVER THE NON-FOUNDATIONAL DEFECT ISSUES**

1 I, Jared Schuettenhelm, declare:  
2

3 1. I am an attorney licensed to practice law in the State of California and am an associate  
4 at Bracewell LLP, counsel of record for Hong Kong-based cross-defendant Cementaid International  
5 Marketing Ltd. (“Cementaid”), incorrectly named as Cementaid International Group, in this action.  
6 Except as to those matters expressly stated on information and belief, I make this declaration on the  
7 basis of my personal knowledge and, if called as a witness, would be competent to testify to the  
8 facts set forth below.

9 2. The Millennium Tower Association (“MTA”) filed its complaint in this matter on  
10 March 29, 2017. Cementaid was not named as a defendant.

11 3. Webcor Construction LP (“Webcor”) was named as a defendant in MTA’s complaint.  
12 Webcor filed a cross-complaint against several cross-defendants on October 13, 2017, and a First  
13 Amended Cross-Complaint (“FACC”) on December 13, 2017.

14 4. Webcor’s original cross-complaint and FACC named “Cementaid International  
15 Group” as a cross-defendant.

16 5. “Cementaid International Group” is not a legal entity. Webcor attempted to serve the  
17 non-existent entity “Cementaid International Group” through the Hague Convention, in New South  
18 Wales, Australia, to the address of a different entity called Cementaid NSW Pty Ltd. on or about  
19 June 8, 2018.

20 6. Although Cementaid was never properly served in Hong Kong with Webcor’s original  
21 cross-complaint or the FACC, Cementaid agreed to accept service and to appear in this litigation.

22 7. On or about June 29, 2018, when Cementaid agreed to accept service for the  
23 improperly named “Cementaid International Group,” it reached an agreement with Webcor to  
24

1 respond to Webcor's FACC on or before August 3, 2018. Cementaid then became aware of the  
2 extensive upcoming deposition schedule in this matter. Cementaid made its first appearance in this  
3 matter on July 13, 2018.

4       8. Upon information and belief, Cementaid's involvement in this matter may involve  
5 Cementaid's product, Everdure Caltite HPI ("Caltite"), which may have been used in the  
6 construction of the subterranean parking structure that is adjacent to Millennium Tower. Caltite is  
7 manufactured in Singapore.

8       9. Cementaid had a Marketing and Material Supply Agreement with cross-defendant  
9 Glacier Northwest, Inc. ("Glacier"), whereby Glacier purchased Caltite, an additive that is mixed  
10 with concrete prior to construction. Cementaid does not know exactly how or even if its products  
11 were used in the Millennium Tower project.

12       10. Cementaid has not had an opportunity to participate in any of the discovery  
13 conferences or depositions that have occurred prior to July 16, 2018.

14       11. Cementaid was given access to the discovery depository on Monday, July 16, 2018,  
15 but it has not yet been able to review any of the documents contained in the depository. Cementaid  
16 has not yet been served with any discovery demands, but it anticipates that any responsive materials  
17 will be in Hong Kong, Singapore, or elsewhere abroad. Cementaid does not have offices or facilities  
18 in the United States and does not have employees in the United States. Cementaid's witnesses  
19 regarding the issues in litigation are therefore abroad, as well.

20       12. Significant additional time is needed to review the documents already produced to the  
21 discovery depository and the documents that are being produced on an ongoing basis, to conduct an  
22 investigation into the use Cementaid's products in the parking structure, if any, and to conduct  
23 discovery necessary to properly evaluate and defend against the claims asserted against Cementaid.

1 Significant additional time is also needed to allow Cementaid to prepare and file dispositive motions  
2 and to prepare for trial.

3 13. I do not believe that the trial of the foundation/settlement claims and the non-  
4 foundational construction defect claims can be completed in the time currently allotted by the Court,  
5 which I understand to be January 28, 2018 to March 1, 2019 (5 weeks).

6  
7 I declare under penalty of perjury under the laws of the State of California that the foregoing  
8 is true and correct.

9  
10 Executed on July 16, 2018 at San Francisco, California.

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Jared D. Schuettenhelm

1 DECLARATION OF SERVICE  
2

3 I hereby certify that on 10<sup>th</sup> day of December, 2018, I electronically filed the  
4 foregoing with the Clerk of the Court using the CM/ECF system which will send  
5 notification of such filing to the following:  
6

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8 Brower Law Group  
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24 *Pro Hac Vice Attorneys for  
25 Defendant Cementaid  
International Marketing*

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8 *Attorneys for Defendant Cementaid  
International Marketing*

9  
10 DATED this 10<sup>th</sup> day of December, 2018, at Seattle, Washington.

11  
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18  
19  
20 s/Christopher M. Reed  
21 Andrew R. Chisholm  
22 WA State Bar No. 30673  
23 Christopher M. Reed  
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Attorneys for Plaintiff – Local Counsel

{18117/052/01823024-1}

28 GLACIER NORTHWEST, INC.'S REQUEST FOR  
29 BROWER LAW GROUP

30 JUDICIAL NOTICE ISO OPPOSITION TO MOTION  
31 TO DISMISS  
32 2:18-cv-00556 TSZ

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